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111th GENERAL ASSEMBLY STATE OF TENNESSEE

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TENNESSEE GENERAL ASSEMBLY POLICY ON WORKPLACE DISCRIMINATION AND HARASSMENT

PURPOSE: To ensure a work environment free of discrimination and harassment of any individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state or federal civil rights laws.

APPLICATION: To all members of the General Assembly, full-time employees, part-time and hourly employees, interns, and contract employees.

POLICY: It is the policy of the General Assembly to provide an environment free of discrimination, harassment, and retaliation. Any employee or member of the General Assembly engaged in any form of discrimination, harassment, or retaliation is subject to corrective action. This policy has been developed to prevent discrimination, harassment, and retaliation and to ensure that complaints are investigated and resolved quickly and in a manner that is fair to all.

EXAMPLES OF PROHIBITED CONDUCT: The General Assembly will not permit conduct that includes, but is not limited to, the following:

- **Workplace Discrimination and Harassment:** Unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state or federal civil rights laws. It prohibits any unwelcome, verbal, written physical conduct, or electronic communication that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state or federal civil rights laws.
- **Hostile Work Environment:** An environment that a reasonable person would consider hostile or abusive and the person who is the object of the harassment perceives it to be hostile or abusive. A hostile work environment is determined by looking at all of the circumstances including, but not limited to: (1) the frequency of the alleged harassing conduct; (2) the severity of the alleged harassing conduct; (3) whether the alleged harassing conduct was physically threatening or humiliating; and (4) whether the alleged harassing conduct has the purpose or effect of unreasonably

interfering with an employee's work performance or creating an intimidating, hostile, or offensive environment.

- **Sexual Harassment:** Any unwelcome sexual advance, request for favors, and other verbal, written, or physical conduct of a sexual nature by a manager, supervisor, or co-worker, including interns or volunteers. Certain actions may also create a hostile work environment as described above.
- **Retaliation:** Any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

COMPLAINT PROCEDURE:

Reporting: Any person, including, but not limited to, any member, any employee, any visitor, or any guest, who believes that he or she has been the subject of discrimination, harassment, or retaliation should report the incident immediately to any of the following individuals:

- Any staff Director;
- The Chief Clerks of the Senate and the House of Representatives;
- The Speaker of the Senate and the House of Representatives.

Other supervisory personnel who receive a complaint alleging discrimination, harassment, or retaliation or have personal knowledge of conduct that may violate this policy must immediately report any such event to the Director of Legislative Administration or to any of the above individuals.

Investigation: Complaints will be reported to the respective Speaker(s). The Speaker(s) will assign the complaint to the Director of Legislative Administration for immediate investigation. If the complaint involves a Speaker, the complaint will be reported to the appropriate Chief Clerk and assigned to the Director of Legislative Administration for immediate investigation. If the complaint involves an employee of the Office of Legislative Administration, the Speaker(s) will assign the investigation to the appropriate Chief Clerk.

The investigation will be thorough, neutral and timely. The investigation will include, but not be limited to, collecting information from all parties who may have been involved in, have knowledge of, or been a witness to the discrimination, harassment, or retaliation. If necessary, protective measures will be taken for the safety of the parties and any other impacted employees.

If the investigation involves a member of the Senate, upon conclusion of the staff investigation, the complaint will be referred to the Committee on Ethics pursuant to Rule 85 of the Senate Rules of Order.

If the investigation involves a member of the House of Representatives, upon conclusion of the staff investigation, the complaint will be referred to the appropriate committee appointed by the Speaker or as provided in the House Rules of Order.


Corrective Action: If the investigation reveals a violation of the policy, prompt corrective action will be taken to stop the discrimination, harassment, or retaliation and to prevent its recurrence. Actions taken will be based on the individual circumstances of the situation. An employee or member may be subjected to disciplinary action for conduct which, although not a violation of state or federal law, nevertheless constitutes a violation of this policy.

Upon a determination that a violation of the policy has occurred by an employee or intern, a report shall be issued to the Speaker(s). The report shall not include the name of any victim or witness. The report shall be included in the violator's personnel file and shall be subject to public disclosure.

If the committee determines that a violation of the policy has occurred by a Representative, a report shall be issued to the Speaker of the House. The report shall not include the name of any victim or witness. The report shall be included in the violator's personnel file and shall be subject to public disclosure.

CONFIDENTIALITY: Confidentiality of the parties involved in a complaint or investigation will be maintained to the greatest extent possible without compromising the thoroughness of the investigation. No information concerning a complaint will be released to anyone not directly involved in an investigation, a lawsuit, the implementation of corrective action, or as otherwise required by law.

Adopted:


Randy McNally, Lieutenant Governor
SENATE


Glen Casada, Speaker
HOUSE OF REPRESENTATIVES

Date: 1/9/19